

III. REMARKS

In the Office Action, claims 1-3 and 5-8 were rejected under 35 U.S.C. 103 as being unpatentable over Osawa (GB 2 275 800 A) in view of Gagnon (US 6,522,342) for reasons set forth in the Action. Claim 4 was rejected under 35 U.S.C. 103 as being unpatentable over Osawa in view of Gagnon and Darbee (US 6,130,726), and claim 9 was rejected under 35 U.S.C. 103 as being unpatentable over Osawa in view of Gagnon for reasons set forth in the Office Action.

The claims are believed to be distinguishable over the teachings of the foregoing art, without further amendment, in view of the following argument. The argument is believed to overcome the foregoing rejections, so as to show the presence of allowable subject matter in the claims.

1. It appears that the teachings of Gagnon are so far removed from the teachings of the present invention as to preclude its combination with the teachings of Osawa.

According to Gagnon column 34, lines 5 to 65 which is referred to by the Examiner "each download service (e.g. each web cast, each software download, etc.) has its own SDP+ record, which is broadcast to all subscribers to inform them of the information that is available for download". According to column 10, Lines 31 to 47 the SDP+ records are periodically broadcast by a transmission station to inform the user of when and what IP address a large file will be broadcast. These SDP+ records are processed to produce a schedule of all data service information that will be broadcast by the transmission station. Further, the

SDP+ records are used by a graphical user interface to display a destination page on the user's PC system monitor.

Thus, it appears that the SDP+ records are provided by the broadcasting facility and it is not the purpose of the SDP+ records that the user enters descriptions of contents such as an IP address or a type of broadcast or UDP port of a broadcast as alleged by the Examiner.

Furthermore, there is no suggestion in Gagnon that the user is allowed to enter descriptions of content to the SDP+ records.

In addition, it is apparent from other relevant parts of Gagnon that this document does not provide any teaching that the user interface requires the user to select a certain application or service before a specific content/page/program of this service/application can be selected.

With regard to the pre-selection of service/application it is stated in column 13, lines 1 to 3 that "the BOW [Best Of Web] data service 200 is invoked by selecting the best of web data service link from the main menu page".

According to column 17, lines 15 to 40, "the web pages and sub-pages of the data channels, data service 280 are linked together as shown in Figure 10. The data channels data service 180 is invoked by selecting the data channel service link from the main menu page 140. By selecting the data channels service link 158, the GUI (Graphical User Interface) launches into the data channels introduction page 282. From the data channels introduction page 282, the user might go back to the main menu page 140 by selecting the main menu link 192".

According to column 17, lines 56 to 60 the "selection of the video channels service link 152 (Figure 2A) launches the GUI into a multi-segment program 310 shown in Figure 12. The electronic program guide 310 includes a grid-based channel guide 312".

Thus, it is completely clear that the user cannot open any document/content/radio station directly without going through a complex menu structure which opens the respective applications/services which are needed for opening the document/content/radio station or whatever.

Thus, Gagnon completely fails to disclose or suggest any hint pointing in the direction of the present invention.

Consequently, a combination of the technical teachings of Osawa and Gagnon will not lead to the present invention.

2. In contrast, according to the present invention, a user can input any control command for any available application devices without pre-selecting the target application device since the control command will be interpreted in the available application devices, in particular by checking whether the control information is known, unambiguous and complete. For example, if the user wants to watch the video channel CSN, the user needs to provide the control command or information "CSN" to the terminal. Then, it is checked whether this control information is known (i.e., "CSN" describes a valid video channel and a video channel receiver is active), unambiguous (CSN indicates only a video channel, but no other radio or audio channel or the like), and complete (no other information is necessary to

perform an action, here to switch over to the CSN video channel).

On the other hand, as described by Gagnon in column 17, lines 56 to 60, the user who wants to watch the video channel CSN needs to access the main menu page, to select the multi-segment program guide, to view the grid-based channel guide and to select the TV channel that he/she wants to view.

3. Osawa has been described extensively in the Remarks of the previous response, and reference is made to that discussion of the teachings of Osawa. The examiner has noted in the present Action (bottom paragraph of page 2) that Osawa fails to show a major feature of the present invention, namely the ability to process requests from a user manifested by control information that is not part of a predetermined menu structure. Based on the previously presented analysis of Osawa, and the analysis of Gagnon presented above, it appears that there is no motivation to combine the two references, nor does it appear that the two references can be combined to provide or suggest the present invention.

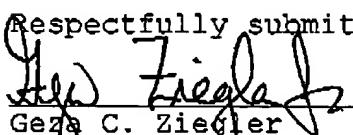
Furthermore, it is noted that a rejection based on anticipation under 35 U.S.C. 102 requires that the examiner find, in a single reference, all of the essential features called for by a claim. In the event that the reference does not show the features, exactly as called for by the claim, then the examiner may combine with the primary reference teachings of other references, for a rejection under 35 U.S.C. 103, to show that the claim is unpatentable because the features called for by the claim are well-known substitutions for elements set forth in the primary reference.

However, the combining of references does not allow an examiner to construct the present invention by borrowing elements of engineering expertise obtained from various references. There has to be a general teaching of the present invention in the primary reference. In the present case, the failure of the primary reference Osawa to teach the aforementioned major feature of the present invention, namely the ability to process requests from a user manifested by control information that is not part of a predetermined menu structure, shows that the present rejection cannot stand.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge \$120.00 for a one-month extension of time and for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


Geza C. Ziegler
Reg. No. 44,004

12 May 2005
Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile to (703) 872-9306 the date indicated below, addressed to the Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date: 5/12/05

Signature: James A. Belcher
Person Making Deposit